

## McKESSEY DECLARATION

Scott S. McKessy (SM-5489)  
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 Attorneys for Plaintiff  
 Columbia Gas Transmission Corporation

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

COLUMBIA GAS TRANSMISSION  
 CORPORATION,

Plaintiff,

- against -

LEWIS PERRY, YOLANDA PERRY,  
 ALEXANDER ROAD ASSOCIATION, INC.,  
 ANTHONY VULPONE, ESTATE OF ANTHONY  
 VULPONE, ROBERT ANTALOCY,  
 THOMAS HARRIS, DOLORES A. KORZ,  
 JOHN P. KILDUFF, KENNETH LEE d/b/a  
 "I CAN GET IT FOR YOU WHOLESALE",  
 SALLIE E. HARMON, PAUL RUGGIERO,  
 MICHELLE RUGGIERO, TERRANCE  
 DONNARY, ANDREW PERNA, KAREN  
 PERNA, ROBERT McMAHON, CARL  
 McMAHON, KELVIN M. LEWIS, MARCHELLE  
 KIRBY, JHON GORDON, RUTH MONROE,  
 EDWARD R. MATEO, ROSANN P. MATEO,  
 ADAM DORAN, NICOLE DORAN, CREDENCE  
 DEVELOPMENT INC., RICHARD DELISI,  
 ADELAIDE FAULKNER, PAUL ESPEL,  
 CAROL ESPEL, DAWN FORNOFF, RICHARD  
 BURTON, GARY MARINA, and JOHN DOE  
 NO. "1" through "10" inclusive, the names of the  
 last ten defendants being fictitious, the true names  
 being unknown to plaintiff, the parties intended  
 being those having an ownership interest in  
 property effected by a certain easement described  
 in the complaint,

Defendants.

Civil Action No. 07 cv 5739 (KMK)  
 ECF CASE

**DECLARATION OF SCOTT S. MCKESSY**

Scott S. McKessy, declares under penalty of perjury:

1. I am a member of Reed Smith LLP, attorneys for plaintiff Columbia Gas Transmission Corporation ("Columbia"). I am fully familiar with the facts set forth herein, and submit this declaration, pursuant to 28 U.S.C. § 1746, in support of Columbia's instant application for summary judgment on its claim seeking an adjudication that the minimum width of Columbia's easement affecting defendant-landowners' property is fifty feet (twenty-five feet on either side of the pipeline), which is the minimum reasonable and necessary width to effectuate the purpose of the granted easement.

2. Attached hereto as Exhibit A is a true and correct copy of the Easement Agreement at issue in this matter.

3. Attached hereto as Exhibit B is a diagram and equipment specification relating to the reasonableness of a fifty-foot permanent right-of-way.

4. Attached hereto as Exhibit C are true and correct copies of pictures of the Permanent Right-of-Way under the Easement, which were taken in the Fall of 2007.

5. Attached hereto as Exhibit D is a true and correct copy of the Complaint in this matter.

6. Attached hereto as Exhibit E is a true and correct copy of the Answer and Counterclaim of Defendants Lewis Perry, Yolanda Perry, Alexander Road Association, Inc., Edward R. Mateo, Rosann P. Mateo, Adam Doran, Nicole Doran, Credence Development, Inc., and Richard Delisi (collectively, "Counterclaim Defendants").

7. Attached hereto as Exhibit F is a true and correct of copy the Reply filed in response to the counterclaims of the Counterclaim Defendants in this matter.

**WHEREFORE**, it is respectfully requested that this Court grant Columbia's motion in its entirety, deny Responding Defendants motion in all respects and granting Columbia such other and further relief as the Court may deem just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 14, 2008.

/s/ Scott S. McKessy  
Scott S. McKessy